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**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP-22632-2016

Date of decision : 14.03.2023

Surekha Devi

...Petitioner

Vs.

**Presiding Officer,Industrial Tribunal,
Gurdaspur and others**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. Munish Puri, Advocate for the petitioner.

Ms. Madhu Dayal, Advocate
for respondent Nos.2 and 3.

MANOJ BAJAJ, J.

By means of this writ petition under Article 226 Constitution of India petitioner has prayed for issuance of a writ in the nature of certiorari for quashing the order dated 16.08.2016 (Annexure P-6), passed by Industrial Tribunal, Gurdaspur, whereby the industrial dispute raised by her against termination of service was dismissed.

Learned counsel for the petitioner has argued that the petitioner worked with respondent No.2 as Sweeper-cum-Peon w.e.f.02.02.2007 till 30.09.2008 when her services were illegally terminated on 01.10.2008 without any show cause notice, charge-sheet and since the said action was violative of the principles of natural justice and Section 25-F Industrial Dispute Act, 1947, therefore, the petitioner raised an industrial dispute through demand notice dated 09.03.2010. He submits that thereafter the appropriate government sent

the reference to the Labour Court wherein the Labour Court has proceeded to dismiss her claim through the impugned award dated 16.08.2016. Learned counsel submits that the evidence on record establishes the engagement of petitioner as Sweeper, and in this regard attention of the Court is invited to the statement of RW-1-Vijay Kumar, Branch Manager to contend that this witness admitted that the attendance of the petitioner was not marked. Learned counsel further submits that the impugned award is against the evidence on record, therefore, the same deserves to be set aside and the petitioner be reinstated in service with full back-wages.

Learned counsel for the respondent has argued that the award passed by the Labour Court, Gurdaspur is based upon proper appreciation of the evidence and since the petitioner had not worked continuously for a period of 240 days, therefore, the provisions of Section 25-F Industrial Disputes Act, 1947 were not attracted, consequently the reference was answered against the petitioner.

After hearing learned counsel and considering their submissions, this Court finds that the entire case of the petitioner is based upon her plea that she worked with the management w.e.f. 02.02.2007 to 30.09.2008, but in this regard, no convincing evidence was adduced by the petitioner. A perusal of the evidence of Vijay Kumar, Branch Manager clearly shows that this witness specifically stated that the petitioner worked w.e.f. February, 2007 to May, 2007, and even if, the attendance of the petitioner is counted for all these months, it is much below the required 240 days. Further, a reading of the impugned award shows that the Labour Court has examined the stand of the petitioner that during her work period w.e.f. April 2008 to September 2008,

another peon, namely, Parkash Chand was employed by the Bank to meet with the work load, but in support of her claim, the said witness was not examined. The findings returned by the Labour Court on material issues are based upon correct appreciation of the evidence on record, therefore, this Court is not inclined to exercise the extraordinary writ jurisdiction.

Dismissed.

(MANOJ BAJAJ)
JUDGE

14.03.2023
vanita

Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No